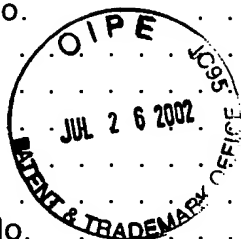


#16/Response
8/2/02
JRE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EV077333044US

Application Serial No. 09/768,878
Filing Date January 23, 2001
Inventor Graham Wolstenholme
Assignee Micron Technology, Inc.
Group Art Unit 2812
Examiner Richard A. Booth
Attorney's Docket No. MI55-003
Title: Methods of Forming a Line of FLASH Memory Cells



RCE RESPONSE TO MAY 13, 2002 OFFICE ACTION

To: Box RCE
Assistant Commissioner for Patents
Washington, D.C. 20231

From: Mark S. Matkin (Tel. 509-624-4276; Fax 509-838-3424)
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Responsive to the Office Action dated May 13, 2002, Applicant remarks
as follows:

REMARKS

Claims 24-31, 36, 37, 39-41 and 45-54 are in the application for
consideration. Formal entry of Applicant's specification amendments which
heretofore have apparently not been entered is respectfully requested for
reasons argued below.

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The undersigned sincerely appreciates the Examiner's detailed response to the undersigned's arguments. Such enables the undersigned to address the matters raised.

The Examiner's rationale re new matter and §112, first paragraph, is predicated upon an allegation that the portion of the specification relied upon by Applicant for support of an insulating cap is described for another embodiment and not the embodiment claimed by Applicant. Further in support thereof, the Examiner points out that Fig. 7 shows a total of six distinct regions in the subject floating gates 12 and 14 while the sentence Applicant relies upon only describes five regions. The Examiner then asserts that it is not clear to a person skilled in the art if the subject portion of the specification is taken as to provide support for a "completely different embodiment", that being the embodiment of Figs. 7-9. Finally, the Examiner asserts that the uppermost layer could be conductive if the second layer from the top in the subject stacks were insulative. The undersigned disagrees with each of these assertions. The Examiner's position is only supportable if literal language appearing in the specification is ignored.

First, the Examiner should appreciate by looking at the drawings that Applicant's reference to "not shown" in Fig. 2 in the various parentheticals at page 9, lines 13-16 is clearly because the Fig. 2 section does not correspond to a section line taken through either of the illustrated Fig. 1 lines 12 or 14.

Second, the embodiment of Fig. 7 and 9 is not "a completely different embodiment" as the Examiner would assert. Such a conclusion ignores specific language found in Applicant's specification. Specifically, the Examiner's attention is directed to p.12, ln.22 - p.3, ln.1. Therein it is provided that,

like numerals from the first-described embodiment have been utilized where applicable, with differences being indicated by the suffix "a" or with different numerals.

Likewise on p.13, ln.22 - p.14, ln.1, it is stated,

Like numerals from the first-described embodiment are utilized where appropriate, with differences being indicated with the suffix "b" or with different numerals.

Further, the Examiner's attention is directed to p.17, lns. 3-5. Therein, it is stated,

Like numerals from the third-described embodiment are utilized where appropriate, with differences being indicated with the suffix "c" or with different numerals.

Accordingly, the specification literally and explicitly establishes that all of the lines referred to in the preferred embodiments are of the same construction as each is only designated with the numerals 12 and 14, not with any different numerals nor with the numerals 12 and 14 with any letter suffixes thereafter! Accordingly, the specific cited language upon which Applicant relies refers to and describes each of the conductive lines in the

respective drawings where there is a designation with either of the numerals 12 or 14. The preferred embodiment lines are of the same construction in each embodiment because Applicant so stated in the above quoted sections. To conclude otherwise requires ignoring the above portions of the specification as-filed.

Third, the Examiner asserts that Fig. 7 with respect to such lines shows a total of six distinct regions in lines 12 and 14, while the sentence upon which Applicant relies only describes five regions. The Examiner is in error. Six regions are clearly described. These are, a) gate dielectric layer; b) floating gate regions; c) interpoly dielectric layer; d) conductively doped polysilicon, and d) silicide; and e) an insulative cap. The polysilicon/silicide stack referred to is exactly what is shown in conductive lines 12 and 14 in Figs. 7-9. The fact that the undersigned did not designate each of these layers with separate numerals does not obviate what the specification literally supports in its description of such lines with respect to the drawings and the specification.

Further, the Applicant's assertion that the outermost layer is insulative is clearly supported by the drawings and specification as-filed, and as amended, without new matter as an insulative layer would need to be received over a polysilicon/silicide stack as was initially provided in the specification as-filed. Further, the sentence relied upon by Applicant clearly

lists the layers in the order shown, as all persons of skill in the art would recognize.

Accordingly, the undersigned has not left the Examiner guessing or having to make far-reaching assumptions about what layers are or are not shown, as such have been shown and described with respect to conductive line constructions 12 and 14 common to all of the preferred embodiments.

It is respectfully requested that the Examiner please reconsider Applicant's position as provided above. For the Examiner's position to have merit, it would be necessary to ignore all of the various language in Applicant's specification as-filed wherein it is stated that like numerals are utilized from the first-described embodiment with differences only being indicated by different numerals or different suffixes, none of which appear with respect to lines 12 and 14.

The undersigned would also like to point out that a divisional application is pending from the parent application in this family as Serial No. 10/067,454. In a Preliminary Amendment filed in that application, the paragraph spanning pages 13 and 14 was amended to insert the added language presently being rejected by this Examiner in this application. Yet, the Examiner in the serial no. 10/067,454 application issued an Office Action on June 18, 2002, and did not object to Applicant's added specification language as constituting new matter. Accordingly, that Examiner apparently sides with the undersigned that such language is clearly supported in this application as it was initially filed.

Although the other application is a divisional, it by definition comes from the same family, has the same as-filed specification and drawings, and any issue of new matter with respect to such language is common to both applications.

Again, the Examiner's clarification in the last action is sincerely appreciated. It is respectfully requested that further consideration be given in light of the arguments presented above.

This application is believed to be in immediate condition for allowance, and action to that end is requested.

Respectfully submitted,

Dated: 7-25-02

By: 

Mark S. Matkin
Reg. No. 32,268